

Supreme Court, U.S.
FILED

JAN 20 1988

JOSEPH F. SPANIOL, JR.
CLERK

No. 87-1109

IN THE

Supreme Court of the United States

MARY CATHERINE HALVORSEN,

Petitioner,

v.

FERGUSON & BURDELL, A FIRM
CONSISTING OF THE PARTNERS OF
WILLIAM H. FERGUSON, WILLIAM
WESSELHOEFT, DONALD McL.
DAVIDSON, EDWARD HILPERT, JR.,
THOMAS J. GREENAN, HENRY W.
DEAN, WILLIAM B. MOORE, C. DAVID
SHEPPARD, W.J. THOMAS FERGUSON,
JAMES E. HURT, WILLIAM D.
STITES, BRUCE P. BABBIT, E.P.
SWAIN, JR., CHRISTOPHER KANE, and
HENRY C. JAMES; and WILLIAM
WESSELHOEFT and MARGARET
WESSELHOEFT and THEIR MARITAL
COMMUNITY,

Respondents.

BRIEF OF RESPONDENTS IN OPPOSITION TO
PETITION FOR WRIT OF MANDAMUS TO THE
UNITED STATES COURT OF APPEALS FOR THE
EIGHTH CIRCUIT

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Suite 2500
Seattle, WA 98101
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& Sax, P.S.,
Attorneys for
Respondents

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4500

Questions Presented for Review

(1) Where the United States District Court for the Western District of Washington at Seattle dismissed petitioner's complaint for legal malpractice because it had already been concluded adversely to her in previous state and federal court actions and the District Court imposed sanctions against her pursuant to Fed. R. Civ. P. 11, was the United States Court of Appeals for the Eighth Circuit correct in refusing petitioner's Notice of Appeal?

(2) Should the Court impose sanctions against petitioner pursuant to Rule 49.2 and 28 U.S.C. § 1912 for filing a frivolous appeal?

Parties to This Proceeding

Petitioner is Mary Catherine Halvorsen.

Respondents are the law firm of Ferguson & Burdell and the partners of the firm and their marital communities.

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A. OPINION OF COURTS BELOW

The United States District Court for the Western District of Washington dismissed petitioner's complaint for legal malpractice against respondents because the issues had already been litigated in the Washington courts and the results were adverse to petitioner. The District Court also imposed sanctions against petitioner pursuant to Fed. R. Civ. P. 11. See, Appendix.

Thereafter, petitioner attempted to file a Notice of Appeal in the United States District Court in Seattle to the United States Court of Appeals for the Eighth Circuit. The District Court Clerk refused to process such a Notice and Halvorsen undertook to do so herself. The Clerk of the Eighth Circuit Court of Appeals refused the Notice because the Court did not have jurisdiction to hear

appeals from outside of that Circuit.
See, Appendix.

B. STATEMENT OF JURISDICTIONAL GROUNDS

The District Court judgment at issue here was entered on September 9, 1987. The original judgment had been entered on August 5, 1987. Petitioner's original Notice of Appeal was dated September 1, 1987. Various letters between Halvorsen and the Clerks of the District Court and the Eighth Circuit ensued. The letter of the Clerk of the United States Court of Appeals for the Eighth Circuit declining to process the appeal was dated September 10, 1987.

Petitioner filed an amended Notice of Appeal and a Notice of Appeal to this Court dated September 21, 1987. Her Petition for a Writ of Mandamus and/or Writ of Certiorari to the United States Court of Appeals for the Eighth Circuit was placed

in the mail on November 20, 1987. After correspondence between the Clerk of this Court and petitioner, Halvorsen determined that she would file a petition for a writ of mandamus.

Petitioner has failed to establish this Court's jurisdiction over this case. Halvorsen alleges that jurisdiction is conferred upon this Court by 28 U.S.C. § 331 and 28 U.S.C. § 1441. This is incorrect. 28 U.S.C. § 331 pertains to the Judicial Conference of the United States and confers no special extraterritorial jurisdiction on the Circuit Courts of Appeals. 28 U.S.C. § 1441 pertains to removal of actions and again confers no special extraterritorial jurisdiction on the circuits. Petitioner has failed to demonstrate appropriate jurisdictional grounds for review.

C. STATUTES AT ISSUE IN THE CASE

28 U.S.C. § 1294 states with respect to the jurisdiction of the Circuit Courts of Appeals:

Except as provided in sections 1292(c), 1292(d), and 1295 of this title, appeals from reviewable decisions of the district and territorial courts shall be taken to the courts of appeals as follows:

(1) From a district court of the United States to the court of appeals for the circuit embracing the district;

28 U.S.C. § 1404 states with respect to the transfer of cases:

(a) For the convenience of parties and witnesses, in the interest of justice, a district court may transfer any civil action to any other district or division where it might have been brought.

As to frivolous appeals, Rule 49.2 states:

When an appeal or petition for writ of certiorari is frivolous, the Court may award the appellee or the respondent appropriate damages.

Similarly, 28 U.S.C. § 1912 states:

Where a judgment is affirmed by the Supreme Court or a court of appeals, the court in its discretion may adjudge to the prevailing party just damages for his delay, and single or double costs.

D. STATEMENT OF THE CASE

The present federal court action is petitioner's third attempt to sue the Seattle law firm of Ferguson & Burdell for alleged legal malpractice. Ferguson & Burdell were originally retained to represent Halvorsen in her divorce proceedings which culminated in a three-week trial in December, 1977. At the conclusion of the trial, presided over by the Honorable Jack Scholfield, the court made an extensive oral ruling which was subsequently reduced to Findings of Fact and Conclusions of Law. Ferguson & Burdell represented Halvorsen on a Motion for Reconsideration and also commenced her appeal. There-

after, Halvorsen terminated Ferguson & Burdell as her counsel and selected attorney Phillip Malone to appeal her divorce through Division I of the Court of Appeals, the Washington Supreme Court and this Court. The trial court's decision was affirmed at each stage of the appeal.

In October, 1980, acting pro se, petitioner Halvorsen brought a state court action against Ferguson & Burdell, alleging breach of contract and legal malpractice. In March, 1983, attorney Jerry Schumm became counsel of record for Halvorsen. By a letter dated April 22, 1983, the initial eight theories of recovery for Halvorsen against Ferguson & Burdell were narrowed to three. Thereafter, Ferguson & Burdell moved for summary judgment. The motion was heard by the Honorable Robert H. Peterson, a visiting judge from Pierce County. At the time

of judgment on the motion, counsel for Halvorsen stipulated on the record that two more issues outlined in his April 22, 1983 letter were not being pursued and could thereafter be dismissed. After a lengthy review of the entire record over two days, and oral argument by the parties, Judge Peterson granted the motion for summary judgment and entered an Order Granting Defendants' Motion for Summary Judgment. Halvorsen moved for reconsideration, but the motion for reconsideration was denied. The Washington Court of Appeals, Division I, affirmed the summary judgment in each and every respect, 46 Wn. App. 708, 735 P.2d 675 (1986). Halvorsen moved for reconsideration, which was denied, and then petitioned the Washington Supreme Court for review. In her Petition for Review, Halvorsen specifically alleged that the case involved a significant ques-

tion of law under the Washington State Constitution in that Halvorsen was denied her right to a trial by jury as guaranteed under Article I, paragraph 21 of the Washington State Constitution because the case had been resolved by summary judgment. The Supreme Court of Washington denied review at 108 Wn.2d 1008 (1987).

In 1982, Halvorsen filed a complaint in the United States District Court for the Western District of Washington, Halvorsen v. State of Washington, (Cause No. C82-1169) against Ferguson & Burdell for legal malpractice, and against the State of Washington, Judge Jack P. Scholfield, Justices Reed, Petrich and Pearson of the Washington State Court of Appeals, Division II, and her opposing counsel, Robert Frederick, for violation of her Fourth, Fifth and Fourteenth Amendment rights. The District Court dismissed

the action for failure to state a claim, and Halvorsen appealed to the United States Court of Appeals for the Ninth Circuit in Cause No. 83-3828. The Ninth Circuit affirmed the District Court dismissal of Halvorsen's complaint and imposed sanctions against her for pursuing a frivolous appeal.

In April, 1987, Halvorsen filed yet another federal court action against Ferguson & Burdell for legal malpractice, an action virtually identical in every respect to her prior state court action filed in October, 1980 and her federal court action filed in October, 1982. In the present action, Halvorsen further purported to raise a federal constitutional issue by arguing that she was allegedly deprived of her right to trial by jury as a result of the summary judgment. The United States District Court

for the Western District of Washington dismissed Halvorsen's complaint and imposed sanctions against her. She sought review by the Eighth Circuit rather than the Ninth Circuit, generally alleging that the Ninth Circuit discriminated against women. The Eighth Circuit Clerk refused her Notice of Appeal. She now seeks a writ of mandamus to the Eighth Circuit from this Court.

E. REASONS WHY A WRIT SHOULD NOT BE ALLOWED

A writ of mandamus should not be allowed in this case and sanctions should be imposed by this Court against Halvorsen for filing a frivolous petition.

(1) Halvorsen Failed to State a Claim Below

From a substantive standpoint, the District Court was correct in dismissing Halvorsen's complaint. Halvorsen failed to establish a prima facie case of legal

malpractice against Ferguson & Burdell, Daugert v. Pappas, 104 Wn.2d 254, 704 P.2d 600 (1985); Halvorsen v. Ferguson, 46 Wn. App. 708, 735 P.2d 675 (1986), rev. den., 108 Wn.2d 1008 (1987).

All of Halvorsen's claims have previously been adjudicated against her. She cannot, under the doctrine of res judicata, re-litigate them in the federal courts. See, e.g., Williams v. State of Washington, 554 F.2d 369 (9th Cir. 1977); Clark v. Watchie, 513 F.2d 994 (9th Cir. 1975), cert. den., 423 U.S. 841, 96 S. Ct. 72, 46 L. Ed. 2d 60 (1975).

Further, her claim is barred by the applicable Washington statute of limitations. In 1976, the Washington Supreme Court adopted the discovery rule in a statute of limitations case in Peters v. Simmons, 87 Wn.2d 400, 406, 552 P.2d 1053, 1056 (1976), stating:

[W]e hold that the statute of limitations for legal malpractice should not start to run until the client discovers, or in the exercise of reasonable diligence should have discovered the facts which give rise to his or her cause of action.

The statute of limitations for legal malpractice is three years. RCW 4.16.080. Halvorsen "knew" of her cause of action at least by October 22, 1980 when she filed a virtually identical lawsuit in state court. The present federal action is filed more than six years after her original lawsuit against Ferguson & Burdell was filed, and more than nine years after her divorce action which allegedly gave rise to the claim.

Finally, under Washington law, summary judgment is appropriate to avoid a useless trial, Balise v. Underwood, 62 Wn.2d 195, 381 P.2d 966 (1963). The Washington Supreme Court has concluded that a

plaintiff was not deprived of her right to a trial by jury by granting summary judgment, Nave v. City of Seattle, 68 Wn.2d 721, 415 P.2d 93 (1966), appeal dismissed, 385 U.S. 450, 87 S. Ct. 614, 17 L. Ed. 2d 513 (1967), rehearing den., 386 U.S. 929, 87 S. Ct. 853, 17 L. Ed. 2d 801 (1967).

The substantive aspects of Halvorsen's third action against Ferguson & Burdell are patently meritless.

(2) The Eighth Circuit Properly Refused Halvorsen's Notice of Appeal

With respect to the ostensible reasons for Halvorsen's present petition, Halvorsen has not demonstrated that any of the criteria set forth in Rule 17 are applicable in this case.

The Clerk of the United States Court of Appeals for the Eighth Circuit merely complied with 28 U.S.C. § 1294. It is error for a Circuit to accept a case from

outside its territorial jurisdiction, Preston Co. v. Raese, 335 F.2d 827 (4th Cir. 1964); Roofing & Sheet Metal Services, Inc. v. La Quinta Motor Inns, Inc., 689 F.2d 982 (11th Cir. 1982).

Halvorsen also asserts that the broad power of the federal courts to transfer a case, 28 U.S.C. § 1404, should be invoked, but 28 U.S.C. § 1404 only provides that the district courts may transfer cases and makes no reference to Circuit Courts of Appeals. 28 U.S.C. § 1404 does not sustain her position. First, the power to transfer could only have been invoked by the United States District Court for the Western District of Washington and not a Circuit Court of Appeals. Norwood v. Kirkpatrick, 349 U.S. 29, 75 S. Ct. 544, 99 L. Ed. 2d 789 (1955), cited by petitioner, clearly confirms this view. This case pertains to the authority of a dis-

strict court to transfer a case under 28 U.S.C. § 1404(a). Halvorsen thus cites no authority for extraterritorial jurisdiction of the Circuit Courts of Appeals.

Second, even if transfer were somehow appropriate under federal law, Halvorsen has failed to set forth proper grounds for transfer. She asserts in her Petition at 4:

The Ninth Circuit is very male chauvinist; denied women comparable worth; upheld a state award to an ex-husband to search his ex-wife's home four times a year; and never allows women oral argument. Petitioner's appeal would be doomed before she even files her Brief if she must file in the Ninth Circuit.

This is unsupported.

She also alleges in her Petition at 3:

The defendants petitioner is suing and the attorneys representing defendants are wealthy, influential law firms with franchise offices in Washington, D.C. and possibly other places as well. One of the defendants

as well as one of the attorneys representing the defendants is a past president of the Washington State Bar Association. In addition, the attorneys for defendants also have a partner who serves in the state legislature as Chairman of the State Senate Judiciary Committee and who raised every judge's salary in the state of Washington while continuing to practice before the same judges whose salaries he had raised. Another partner in this same firm headed the Judicial Qualifications Commission, the discipline Commission in this state, serving at the same time these other partners served in the aforementioned capacities.

This is simply erroneous. Karr, Tuttle, Koch, Campbell, Mawer, Morrow & Sax, P.S., counsel for Ferguson & Burdell, has no "franchise office" or any other office in Washington, D.C. F. Lee Campbell of that firm is a past president of the Washington State Bar Association and a past chair of the Washington Judicial Qualifications Commission; he is not involved with this litigation. Philip A. Talmadge of that

firm is a past chair of the Washington State Senate Judiciary Committee. He did not "raise every judge's salary in the state of Washington" because prior to 1987, that required an act of the full Legislature, signed by the Governor. Since 1987, Washington state judicial salaries have been set by a citizens commission independent of the Legislature in accordance with a constitutional amendment adopted by Washington voters at the polls in November, 1986. See, RCW 43.03.300 et. seq.

William Wesselhoeft of Ferguson & Burdell is a past president of the Washington State Bar Association, but Ferguson & Burdell does not have a branch office in Washington, D.C.

Halvorsen obviously impugns the integrity of the Washington State judiciary and the judges of the Ninth Circuit,

but all of this, of course, is thoroughly irrelevant as to the independent federal judges of the Ninth Circuit Court of Appeals. Halvorsen simply failed to demonstrate that transfer to the Eighth Circuit is appropriate.

(3) Halvorsen's Petition Is Frivolous and Sanctions Should Be Imposed Against Her

This Court should impose sanctions against Halvorsen pursuant to Rule 49.2 and 28 U.S.C. § 1912. The District Court properly determined that Halvorsen's case was groundless.

The imposition of sanctions is appropriate where the action is clearly and fundamentally without merit in law or in fact. Cook v. Peter Kiewit Sons Co., 775 F.2d 1030 (9th Cir. 1985). In Cook, an employee filed several actions in federal court after his identical state court action was dismissed. The court found

that the federal actions were "a carbon copy of Cook's previous lawsuits, raising the identical cause of action . . ." The court affirmed the imposition of reasonable attorneys' fees.

The chastisement given to Halvorsen by the Ninth Circuit Court of Appeals in Halvorsen v. State, supra, rings true for the present action:

The only possible defense against the charge that this is vexatious litigation and the prayer for resulting financial sanctions would be the ignorance of the law that a pro se litigant may claim. In dragging one's adversaries into court and running up legal fees and costs, however, no person has the right to a free ride. Somebody has to pay for these excursions. Going into court is serious business. A brief visit to a competent lawyer would have provided Halvorsen with the advice that an appeal would be expensive and frivolous. We do not think conscious ignorance of this kind is a defense.

Memo. Op. at 3-4.

The present action is indeed frivolous for all of the reasons set forth above. Halvorsen is the classic abusive litigant about whom this Court should be concerned. Note, "Abusive Pro Se Plaintiffs in Federal Courts: Proposals for Judicial Controls," 18 U. Mich. J.L. Ref. 93 (1984). See, Clark v. State of Florida, ___ U.S. ___, ___ S. Ct. ___, 90 L. Ed. 2d 330 (1986) (C.J. Burger concur).

CONCLUSION

The petition for a writ of mandamus should be denied. Sanctions for the filing of a frivolous petition should be imposed against petitioner Halvorsen, Rule 49.2; 29 U.S.C. § 1912.

DATED this 17th day of January,
1988.

Respectfully submitted,

David F. Ross
David F. Ross
Of Karr, Tuttle, Koch,
Campbell, Mawer, Morrow
& Sax, P.S.
Attorneys for Respondents

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Suite 2500
Seattle, Washington 98101
(206) 223-1313

BEST AVAILABLE COPY



APPENDIX

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

MARY CATHERINE HALVORSEN))	
Plaintiff,)	JUDGMENT IN
)	A CIVIL CASE
v.)	
)	
FERGUSON & BURDELL,)	NO. C87-617R
et al.,)	
)	
Defendants.)	

Jury Verdict. This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

X Decision by Court. This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED

that this action is dismissed with prejudice.

Date August 5, 1987

Clerk Bruce Rifkin

(Signature)
(By) Deputy Clerk

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MARY CATHERINE HALVORSEN,)	
)	
Plaintiff,)	NO. C87-617R
)	
v.)	
)	
FERGUSON & BURDELL, A FIRM)	ORDER
CONSISTING OF THE PARTNERS)	GRANTING
OF WILLIAM H. FERGUSON,)	DEFENDANTS
WILLIAM WESSELHOEFT, DONALD)	MOTION TO
McL. DAVIDSON, EDWARD)	DISMISS
HILPERT, JR., THOMAS J.)	AND FOR
GREENAN, HENRY W. DEAN,)	SANCTIONS
WILLIAM B. MOORE, C. DAVID)	
SHEPARD, W.J. THOMAS)	
FERGUSON, JAMES E. HURT,)	
WILLIAM D. STITES, BRUCE P.))	
BABBIT, E.P. SWAIN, JR.)	
CHRISTOPHER KANE, and HENRY))	
C. JAMES, and WILLIAM)	
WESSELHOEFT and MARGARET)	
WESSELHOEFT and THEIR MARI-)	
TAL COMMUNITY,)	
)	
Defendants.)	
)	

The Court, having considered the motion of defendants filed on June 3, 1987 seeking an order dismissing the above-captioned

ORDER GRANTING DEFENDANTS MOTION
TO DISMISS AND FOR SANCTIONS - 1

cause of action; the Affidavit of David F. Ross with attached exhibits 1-9; the memorandum of authorities filed in support; the responses of plaintiff; and having considered the files and pleadings herein; and

The Court having concluded that there are no genuine issues of material fact with respect to the motion; and

The Court having concluded that the above-captioned cause of action was filed in violation of Rule 11, Federal Rules of Civil Procedure:

NOW THEREFORE, IT IS ORDERED THAT:

1. Defendants motion to dismiss is granted;
2. Plaintiff's cause of action is dismissed with prejudice;
3. Sanctions are awarded to defendants

ORDER GRANTING DEFENDANTS MOTION
TO DISMISS AND FOR SANCTIONS - 2

and against plaintiff for costs and reasonable attorney's fees upon proper substantiation.

DONE IN OPEN COURT this 4th day of August, 1987.

(Signature)
HONORABLE BARBARA ROTHSTEIN

Presented by:

(Signature)
David F. Ross
Karr, Tuttle, Koch, Campbell,
Mawer, Morrow & Sax P.S.
Attorneys for Defendants

ORDER GRANTING DEFENDANTS MOTION
TO DISMISS AND FOR SANCTIONS - 3

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

MARY CATHERINE HALVORSEN)	
)	
Plaintiff,)	SUPPLEMENTAL
)	JUDGMENT IN
v.)	A CIVIL CASE
)	
FERGUSON & BURDELL,)	NO. C87-617C
et al.,)	
Defendants.)	

Jury Verdict. This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

X Decision by Court. This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED

that defendants shall have of plaintiff the sum of \$2,111.00 for reasonable attorneys' fees.

Date 9 September 1987 Clerk BRUCE RIFKIN

(Signature)
(By) Deputy Clerk

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MARY CATHERINE HALVORSEN,)	
)	
Plaintiff,)	NO. C87-617C
)	
v.)	
)	
FERGUSON & BURDELL, A FIRM)	ORDER AND
CONSISTING OF THE PARTNERS)	JUDGMENT RE
OF WILLIAM H. FERGUSON,)	ATTORNEYS'
WILLIAM WESSELHOEFT, DONALD)	FEE'S
McL. DAVIDSON, EDWARD)	
HILPERT, JR., THOMAS J.)	
GREENAN, HENRY W. DEAN,)	
WILLIAM B. MOORE, C. DAVID)	
SHEPARD, W.J. THOMAS)	
FERGUSON, JAMES E. HURT,)	
WILLIAM D. STITES, BRUCE P.))	
BABBIT, E.P. SWAIN, JR.)	
CHRISTOPHER KANE, and HENRY))	
C. JAMES, and WILLIAM)	
WESSELHOEFT and MARGARET)	
WESSELHOEFT and THEIR MARI-))	
tal community,)	
)	
Defendants.)	
)	

The Court, having considered the
Affidavit of David F. Ross regarding
attorneys' fees filed pursuant to the Court's
Order Granting Sanctions filed on August
ORDER AND JUDGMENT RE
ATTORNEYS' FEES - 1

5, 1987; and having considered the files and pleadings herein and being fully advised

AND having further determined that the attorneys' fees in the amount of \$2,111.00 as set forth in the affidavit are reasonable;

NOW THEREFORE:

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that defendants have judgment against plaintiff in the sum of \$2,111.00 for reasonable attorneys' fees.

DONE IN OPEN COURT this 8th day of September, 1987.

(Signature)

JUDGE BARBARA ROTHSTEIN

ORDER AND JUDGMENT RE
ATTORNEYS' FEES - 2

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MARY CATHERINE HALVORSEN,)	
)	
Plaintiff,)	NO. C87-617R
)	
v.)	NOTICE OF
)	APPEAL
FERGUSON & BURDELL,)	
et al.,)	
)	
Defendants.)	
)	

Notice is hereby given that Mary Catherine Halvorsen, plaintiff above-named, hereby appeals to the United States Court of Appeals for the Eighth Circuit from the Order dismissing plaintiff's case against Ferguson & Burdell, dated August 4, 1987, entered August 4, 1987, and received by plaintiff August 7, 1987.

Plaintiff is appealing to the Eighth Circuit because it is common knowledge women

cannot obtain a fair hearing from the Ninth Circuit. Witness the comparable worth decision.

DATED this 1st day of September 1987.

(Signature)

Mary Catherine Halvorsen, plaintiff
8234 N.E.Hidden Cove Road
Bainbridge Island, Washington 98110
Telephone: (206) 842-5439

8324 N.E. Hidden Cove Road
Bainbridge Island, Wash. 98110
September 3, 1987

Clerk of the Court
United States District Court
1010 Fifth Avenue
Seattle, Washington

RE: NO. C87-617R

Dear Clerk of the Court:

Pursuant to our conversation this morning wherein you informed me that you could not process an appeal to the Eighth Circuit Court of Appeals, I am writing this letter.

I will send my appeal directly to the Eighth Circuit myself.

Thank you for your attention to this matter.

Sincerely yours,

(Signature)
Mary Catherine Halvorsen
plaintiff

cc: David W. Ross
Karr, Tuttle et al.,
2500 Third Avenue Building
1111 Third Avenue
Seattle, Washington 98101

8324 N.E. Hidden Cove Road
Bainbridge Island, Wash. 98110
September 3, 1987

Clerk of the Court
United States Court of Appeals
Eighth Circuit
511 U. S. Court and Customs House
St. Louis, Mo. 63101

RE: C87-617R

Dear Clerk of the Court:

Enclosed herewith are the following:

NOTICE OF APPEAL
CERTIFICATION OF MAILING
LETTER TO CLERK OF THE COURT,
U.S. DISTRICT COURT, SEATTLE.

As per my letter to the Clerk of the District Court in Seattle, I am sending my appeal directly to you for processing.

Thank you for your attention in this matter.

Very truly yours,

(Signature)
Mary Catherine Halvorsen

cc: David W. Ross
Karr, Tuttle et al.,
2500 Third Avenue Building
1111 Third Avenue
Seattle, Washington 98101

Clerk of the Court
U.S. District Court
Seattle, Washington

UNITED STATES COURT OF APPEALS
For the Eighth Circuit
U.S. Court and Custom House
1114 Market Street
St. Louis, Missouri 63101

Robert D. St. Vrain
Clerk

314-425-5600
FTS: 279-5600

Ms. Mary Catherine Halvorsen
8324 N.E. Hidden Cove Rd.
Bainbridge Island, WA 98110

Re: No. _____ Mary Catherine Halvorsen,
vs. Ferguson & Burdell, et al.

Dear Ms. Halvorsen:

Receipt is acknowledged of your letter of September 3, 1987, and enclosures. Your notice of appeal is being sent back to the Western District of Washington for processing in compliance with the rules. This court does not have jurisdiction to hear appeals from courts outside this circuit.

Sincerely

(Signature)
Robert St. Vrain
Clerk of Court

jh

Enclosures

cc: Bruce Rifkin, Clerk,
U.S. District Court
308 U.S. Courthouse, 1010 5th Ave.,
Seattle WA 98104
(Dist. Ct. No. C87-617R)

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MARY CATHERINE HALVORSEN,)	
)	
Plaintiff,)	NO. 87-617R
)	
v.)	NOTICE OF
)	APPEAL TO
FERGUSON & BURDELL,)	THE UNITED
et al.,)	STATES
)	SUPREME
Defendants.)	COURT
)	

Notice is hereby given that Mary Catherine Halvorsen, plaintiff above-named, hereby appeals to the United States Supreme Court the issue of jurisdiction of filing an appeal in an Appellate Court of another Circuit when the regular Circuit Appellate Court is notably biased against women appellants.

DATED this 21st day of September 1987.

(Signature)

Mary Catherine Halvorsen, Appellant
8324 N.E. Hidden Cove Road
Bainbridge Island, Wash. 98110
Telephone: (206) 842-5439

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MARY CATHERINE HALVORSEN,)	
)	
Plaintiff,)	NO. C87-617R
)	
v.)	AMENDED
)	APPEAL
FERGUSON & BURDELL,)	
et al.,)	
Defendants.)	
)	

Notice is hereby given that Mary Catherine Halvorsen, plaintiff above-named, hereby amends her appeal to include the award of attorneys' fees and judgment filed September 9, 1987.

Since the exact court in which to file the appeal is itself on appeal, plaintiff assumes that her appeal will be held in abeyance until further direction of a higher court.

DATED this 21st day of September 1987.

(Signature)

Mary Catherine Halvorsen,
Plaintiff/Appellant